

FIRST REGULAR SESSION

SENATE BILL NO. 690

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS SMITH AND KENNEDY.

Read 1st time March 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2330S.02I

AN ACT

To repeal sections 162.626, 167.029, 167.296, and 171.031, RSMo, and to enact in lieu thereof thirteen new sections relating to the metropolitan school district.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 162.626, 167.029, 167.296, and 171.031, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 135.099, 161.660, 162.627, 162.1150, 162.1153, 162.1156, 162.1159, 162.1162, 162.1165, 162.1168, 167.029, 167.296, and 171.031, to read as follows:

135.099. 1. As used in this section, the following terms mean:

(1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property solely for the benefit of extended day child care programs in a metropolitan school district;

(2) "Department", the department of elementary and secondary education;

(3) "Director", the director of the department of revenue;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 of chapter 143, RSMo, or a corporation subject to the annual
19 corporation franchise tax imposed by the provisions of chapter 147,
20 RSMo, or an insurance company paying an annual tax on its gross
21 premium receipts in this state, or other financial institution paying
22 taxes to the state of Missouri or any political subdivision of this state
23 under the provisions of chapter 148, RSMo, or an express company
24 which pays an annual tax on its gross receipts in this state under
25 chapter 153, RSMo, or an individual subject to the state income tax
26 imposed by the provisions of chapter 143, RSMo.

27 2. For all tax years beginning on or after January 1, 2008, a
28 taxpayer shall be allowed to claim a tax credit against the taxpayer's
29 state tax liability in an amount equal to fifty percent of such taxpayer's
30 contribution to the department for deposit in the extended day child
31 care fund provided under section 167.296, RSMo, to be used for the
32 benefit of extended day child care programs in a metropolitan school
33 district.

34 3. The amount of the tax credit claimed shall not exceed the
35 amount of the taxpayer's state tax liability for the taxable year for
36 which the credit is claimed, and such taxpayer shall not be allowed to
37 claim a tax credit in excess of fifty thousand dollars per taxable
38 year. However, any tax credit that cannot be claimed in the taxable
39 year the contribution was made may be carried over to the next four
40 succeeding taxable years until the full credit has been claimed.

41 4. Upon receipt of a contribution, the department shall issue the
42 taxpayer making such contribution a tax credit certificate detailing the
43 amount of the contribution or its fair market value, and the date of
44 such contribution. The department shall provide information to the
45 director concerning the identity of each taxpayer making a
46 contribution who is claiming a tax credit under this section and the
47 amount of such contribution.

48 5. The cumulative amount of tax credits which may be claimed
49 by all the taxpayers contributing in any one fiscal year shall not exceed
50 two million dollars. Tax credits shall be issued in the order
51 contributions are received.

52 6. The department and the department of revenue may
53 promulgate rules necessary to implement the provisions of this
54 section. Any rule or portion of a rule, as that term is defined in section

55 536.010, RSMo, that is created under the authority delegated in this
56 section shall become effective only if it complies with and is subject to
57 all of the provisions of chapter 536, RSMo, and, if applicable, section
58 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
59 and if any of the powers vested with the general assembly under
60 chapter 536, RSMo, to review, to delay the effective date, or to
61 disapprove and annul a rule are subsequently held unconstitutional,
62 then the grant of rulemaking authority and any rule proposed or
63 adopted after August 28, 2007, shall be invalid and void.

64 7. Under section 23.253, RSMo, of the Missouri sunset act:

65 (1) Any new program authorized under this section shall
66 automatically sunset six years after August 28, 2007, unless
67 reauthorized by an act of the general assembly; and

68 (2) If such program is reauthorized, the program authorized
69 under this section shall automatically sunset twelve years after the
70 effective date of the reauthorization of this section; and

71 (3) This section shall terminate on September first of the
72 calendar year immediately following the calendar year in which a
73 program authorized under this section is sunset.

161.660. The department of elementary and secondary education
2 shall develop, by July 1, 2008, a teacher assessment program for use by
3 all school districts within this state. Such assessment shall be a
4 comprehensive, performance-based evaluation of the teacher. The
5 assessment may include the use of the Praxis Examination, the National
6 Teacher Examination, or other existing assessment tools. Multiple
7 assessments shall be developed in order to assess each teacher
8 according to the specific subject area taught by the teacher. The
9 department may promulgate rules in order to effectuate the provisions
10 of this section, including objective measures to determine whether a
11 teacher demonstrates a minimum level of competency in the teacher's
12 subject area, as well as whether a teacher demonstrates a high level of
13 competency in the teacher's subject area based on a score of ninety
14 percent or better on the assessment. Any rule or portion of a rule, as
15 that term is defined in section 536.010, RSMo, that is created under the
16 authority delegated in this section shall become effective only if it
17 complies with and is subject to all of the provisions of chapter 536,
18 RSMo, and, if applicable, section 536.028, RSMo. This section and

19 chapter 536, RSMo, are nonseverable and if any of the powers vested
20 with the general assembly pursuant to chapter 536, RSMo, to review, to
21 delay the effective date, or to disapprove and annul a rule are
22 subsequently held unconstitutional, then the grant of rulemaking
23 authority and any rule proposed or adopted after August 28, 2007, shall
24 be invalid and void.

162.627. 1. There is hereby established in the metropolitan
2 school district a program of multiyear teacher-student groupings. The
3 program shall seek to improve student learning by providing a long-
4 term relationship between the student and a particular teacher. The
5 board shall provide for grade-level groups of first through third grade,
6 fourth through sixth grade, seventh through ninth grade, and tenth
7 through twelfth grade throughout which classes shall maintain the
8 same group of students with the same teacher for multi-year
9 periods. The board shall establish a policy and a procedure to review
10 and act upon requests by a student or the parent of a student that the
11 student be transferred to a different class with a different teacher. All
12 policies established by the board under this section shall be subject to
13 review and approval of the state board of education.

14 2. The provisions of section 23.253, RSMo, shall not apply to this
15 section.

162.1150. Sections 162.1150 to 162.1168 shall be known and may
2 be cited as the "Metropolitan School District Improvement Act".

162.1153. 1. In order to attract and retain teachers with
2 demonstrable or measurable qualities, experience, or credentials that
3 are exceptionally well suited to the metropolitan school district's needs
4 for academic improvement in the areas of math, science, special
5 education, and English as a second language, the metropolitan school
6 district shall provide an increased starting salary for teachers that
7 work in the areas of math, science, special education, and English as a
8 second language. Such increase shall be between three thousand
9 dollars and five thousand dollars more than the starting salary for a
10 teacher in the district, as determined by the district.

11 2. In order to attract and retain teachers who are willing to
12 submit to assessment in exchange for agreed upon salary increases and
13 modifications, any applicant for a teaching position at a school within
14 the district or a teacher currently employed as such within the district

15 may enter into an agreement with the district that sets forth the
16 following:

17 (1) The starting or current salary of the teacher;

18 (2) The potential salary incentives and increases that the teacher
19 shall receive, provided that the teacher meets certain performance
20 evaluation standards as provided in subsection 3 of this section;

21 (3) The ability of the school district to take disciplinary action,
22 including dismissal, against the teacher if such teacher does not meet
23 the performance evaluation standards as provided in subsection 3 of
24 this section; and

25 (4) The consent of the teacher to opt out of the tenure provisions
26 of section 168.221, RSMo.

27 3. The school district shall create performance evaluation
28 standards to be applied when evaluating teachers subject to the
29 provisions of subsection 2 of this section. Such standards shall include
30 an annual evaluation of the teacher by a peer review group. For
31 purposes of this subdivision, the term "peer review group" shall include
32 the principal of the school where the teacher is employed, one or more
33 teachers employed in the school where the teacher is employed, one or
34 more students attending the school where the teacher is employed, and
35 one or more parents of students attending the school where the teacher
36 is employed. The principal shall appoint such teacher, student, and
37 parent members of the peer review group. The standards shall also
38 include a determination that the scores of students taught by the
39 teacher on the statewide assessment as provided in section 160.518,
40 RSMo, over the course of two years are improving to an acceptable
41 degree, as determined by the school district.

42 4. Salary increases provided by this section shall be paid from
43 the "Metropolitan School District Improvement Fund" which is hereby
44 created as a special trust fund in the state treasury. Moneys in the
45 fund shall consist of any grant, gift, or contribution from any and all
46 public and private sources whatsoever that is designated for such
47 purpose, including funds appropriated from the general revenue
48 fund. The state treasurer shall be custodian of the fund and may
49 approve disbursements from the fund in accordance with sections
50 30.170 and 30.180, RSMo. The department of elementary and secondary
51 education shall administer the fund and shall ensure that money in the

52 fund is used only for the salaries of teachers subject to the provisions
53 of this section, and for the purposes set forth in sections 162.1156 and
54 162.1165. Notwithstanding the provisions of section 33.080, RSMo, to
55 the contrary, any moneys remaining in the fund at the end of the
56 biennium shall not revert to the credit of the general revenue
57 fund. The state treasurer shall invest moneys in the fund in the same
58 manner as other funds are invested. Any interest and moneys earned
59 on such investments shall be credited to the fund.

162.1156. 1. The department of elementary and secondary
2 education shall annually assess the percentage increase or decrease in
3 the scores of each school within a metropolitan school district on the
4 statewide assessment as provided in section 160.518, RSMo. The
5 department shall then annually compile a list of the top ten percent of
6 schools in terms of an increase in the scores on the statewide
7 assessment as compared to the previous year. The following personnel
8 in each of the schools determined by the department to be in the top
9 ten percent shall receive the following one-time bonuses:

10 (1) The principal of the school shall receive two thousand
11 dollars;

12 (2) The assistant principal of the school shall receive one
13 thousand five hundred dollars; and

14 (3) Each employee of the school, except for the principal, the
15 assistant principal and every teacher, shall receive five hundred
16 dollars.

17 In addition, the school shall receive a one-time stipend of two thousand
18 dollars to be used for the purchase of textbooks or other educational
19 materials, as determined by the principal.

20 2. Moneys from the metropolitan school district improvement
21 fund created in section 162.1153 shall be used to pay for the bonuses
22 and stipends required by subsection 1 of this section.

162.1159. Every student enrolled at a school within the
2 metropolitan school district shall be assessed every six weeks to
3 determine the student's proficiency in the knowledge, skills, and
4 competencies adopted by the state board of education under subsection
5 1 of section 160.514, RSMo. The state board of education shall develop
6 assessment tools to be administered by the metropolitan school
7 district. Any student that fails to demonstrate the proficiency required

8 by this section shall receive remedial tutoring from the school district
9 until such time as the student has demonstrated the proficiency
10 required by this section. Moneys from the metropolitan school district
11 investment fund created in section 162.1153 shall be used to pay for the
12 cost of such remedial tutoring.

162.1162. 1. Beginning August 28, 2008, the metropolitan school
2 district shall require each teacher to be assessed every five years to
3 determine the competency of the teacher in the teacher's subject area
4 or areas.

5 2. The school district shall utilize one or more of the
6 assessments developed by the department of elementary and secondary
7 education in section 161.660, RSMo. The school district shall notify
8 each teacher of the results of the assessment by certified mail sent to
9 the teacher.

10 3. Any teacher who fails to demonstrate a minimum level of
11 competency, based on the results of the assessment required by
12 subsection 1 of this section, shall be allowed to re-take the assessment
13 no more than one time within three months after receiving notification
14 of the failure.

15 4. Notwithstanding the provisions of sections 168.221, RSMo and
16 168.281, RSMo, a teacher that fails to demonstrate a minimum level of
17 competency shall not be considered a permanent employee of the school
18 district.

19 5. A teacher that demonstrates a high level of competency, as
20 determined by rules promulgated by the department of elementary and
21 secondary education under authority granted in section 161.660, RSMo,
22 shall be exempt from the assessment required by this section for the
23 next five-year period.

162.1165. 1. The metropolitan school district shall establish one
2 or more alternative education schools for students within the district
3 who cannot be adequately served in a traditional classroom because of
4 chronic truancy, behavioral problems, or developmental
5 delays. Students of the district who would otherwise be provided
6 alternative education services based on their demonstrated disruptive
7 behavior under section 167.164, RSMo, shall be sent to an alternative
8 education school established by this section.

9 2. The alternative education schools shall be staffed by personnel

10 and teachers who have received training on how to address the needs
11 of students attending the alternative education schools. The
12 curriculum of the schools shall stress the core academic disciplines, as
13 well as activities designed to enable the student to better perform in
14 the traditional classroom and to transition students back to the
15 traditional classroom when merited by their performance.

16 3. The school district shall work with the departments of mental
17 health and social services to evaluate students attending an alternative
18 education school in order to determine the specific needs of each
19 student.

20 4. The alternative education schools required by this section
21 shall receive funding from the metropolitan school district
22 improvement fund created in section 162.1153 and the school district
23 may apply for an alternative education grant under section 167.335,
24 RSMo.

162.1168. The state shall, subject to appropriations, provide fully
2 subsidized child care at a child facility licensed under the provisions
3 of sections 210.201 to 210.259, RSMo, for each child residing with the
4 metropolitan school district who is at least three years of age until such
5 time as the child enters kindergarten and who is eligible for a reduced
6 lunch price under the National School Act, 42 U.S.C. Section 1751, et
7 seq., as amended. The department of elementary and secondary
8 education shall promulgate rules to effectuate the provisions of this
9 section. Any rule or portion of a rule, as that term is defined in section
10 536.010, RSMo, that is created under the authority delegated in this
11 section shall become effective only if it complies with and is subject to
12 all of the provisions of chapter 536, RSMo, and, if applicable, section
13 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
14 and if any of the powers vested with the general assembly pursuant to
15 chapter 536, RSMo, to review, to delay the effective date, or to
16 disapprove and annul a rule are subsequently held unconstitutional,
17 then the grant of rulemaking authority and any rule proposed or
18 adopted after August 28, 2007, shall be invalid and void.

167.029. A public school district in any city not within a county shall
2 [determine whether] **adopt** a dress code policy requiring pupils to wear a school
3 uniform [is appropriate] at [any] **every** school [or schools] within such district[,
4 and if it is so determined, shall adopt such a policy]. The school district may

5 determine the style and color of the school uniform. **In addition to any other**
6 **enterprise created as part of the vocational enterprise program under**
7 **sections 217.550 to 217.595, RSMo, the department of corrections shall**
8 **provide school uniforms to the public school district under the**
9 **provisions of this section.**

167.296. 1. The "Extended Day Child Care Fund" is established in the
2 state treasury and shall be administered by the department of elementary and
3 secondary education at the direction of the state board of education. The fund
4 shall consist of moneys appropriated annually by the general assembly from
5 general revenue to the fund [and], any moneys paid into the state treasury and
6 required by law to be credited to the fund, **and charitable donations made to**
7 **the department of elementary and secondary education for deposit in**
8 **the extended day child care fund.**

9 2. Moneys in the fund shall be used for grants to districts to provide
10 extended day child care programs according to the provisions of sections 167.290
11 to 167.310.

12 3. **Any charitable donations received and deposited in this fund**
13 **under this section, for which a tax credit was issued under the**
14 **provisions of section 135.099, shall only be allocated for extended day**
15 **child care programs in a metropolitan school district.**

16 4. Expenses of the department of elementary and secondary education in
17 administering the program shall be paid from the fund.

18 [4.] 5. Any unexpended balance in the fund at the end of each fiscal year
19 shall be exempt from the provisions of section 33.080, RSMo, relating to the
20 transfer of unexpended balances to the general revenue fund.

171.031. 1. Each school board shall prepare annually a calendar for the
2 school term, specifying the opening date and providing a minimum term of at
3 least one hundred seventy-four days and one thousand forty-four hours of actual
4 pupil attendance.

5 2. No school day shall be longer than seven hours except for vocational
6 schools which may adopt an eight-hour day in a metropolitan school district and
7 a school district in a first class county adjacent to a city not within a county.

8 3. **Notwithstanding the provisions of subsections 1 and 2 of this**
9 **section to the contrary, the school board for a metropolitan school**
10 **district shall prepare a school calendar each year that provides for a**
11 **minimum term of two hundred and four days and one thousand three**

12 **hundred forty-four hours of actual pupil attendance, as well as a**
13 **minimum school day of eight and one-half hours.**

[162.626. There is hereby established in the metropolitan
2 school district a pilot program of multiyear teacher-student
3 groupings. The program shall be implemented in no fewer than ten
4 schools in the district and shall be implemented for no less than
5 five consecutive years in each of such schools and in at least six
6 classrooms in each of such schools. Pupil-teacher ratios in such
7 classrooms shall not exceed twenty-five to one. The program shall
8 seek to improve student learning by providing a long-term
9 relationship between the student and a particular teacher. The
10 board shall develop a plan for grade-level groups throughout which
11 participating classes shall maintain the same group of students
12 with the same teacher for multiyear periods. The grade-level
13 groups shall include at least two grade levels and shall not exceed
14 four grade levels in the same group. The plan shall provide for
15 voluntary participation by students. The board shall establish a
16 policy and a procedure to review and act upon requests by a
17 student or the parent of a student that the student be transferred
18 to a different class with a different teacher. All policies and plans
19 established by the board pursuant to this section shall be subject
20 to review and approval of the state board of education.]

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